IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7275 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHYAM POLYTEX PVT LTD.

Versus

REGIONAL PROVIDENT FUND COMMISSIONER (GUJARAT STATE)

Appearance:

1. Special Civil Application No. 7275 of 2002

MS VINITA S VINAYAK for Petitioner No. 1

MR BHARAT T RAO for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 09/08/2002

ORAL JUDGEMENT

1. Rule. Mr.B.T. Rao waives service of rule on behalf of the respondents.

2. The petitioner has approached this Court to challenge the order passed by the Assistant Provident Fund Commissioner, Gujarat Region dated 20th December, 2001 which is at annexure-G to this petition. From the contents of the petition, it appears that the petitioner has already approached respondent no.1 by filing Review Application on 12th February, 2002. A copy thereof is annexed to this petition at annexure-H. According to the petitioner the said Review Application is still not decided. Despite that the respondents are taking coercive measures to recover the amounts stated in the impugned order.

2.1. In view of the fact that the petitioner's Review Application before the concerned authority is still pending for decision, respondent no.1 is directed to decide the same on or before 10th September, 2002. Before taking any decision on the same, the petitioner if so desires be given opportunity of hearing. Till the time the aforesaid Review Application is decided, no coercive measures to recover the amount of the impugned order will be resorted to by the respondents.

In view of the aforesaid direction, this petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs. Direct Service is permitted today.

[AKSHAY H. MEHTA, J.]

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